

October 10, 2002

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESNET AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

- | | Item | Page | -2002 | (Comm. 18D-3) |
|----|--|------|-------|----------------|
| a. | DEP: SEQR – Solicitation for Lead Agency Status – 45 Oak Street & 100 North Division Street, City of Buffalo. | | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 18E-27) |
| b. | COUNTY EXECUTIVE: ECSD No. 4 – EC Sewer Agency Report Modification of Plans (2002). | | | |
| | (6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |

- | | Item | Page | -2001 | AS AMENDED
(Comm. 1E-27) |
|----|-------------------------|------|-------|------------------------------------|
| 2. | COUNTY EXECUTIVE | | | |

RESOLUTION NO. ____-2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AN INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 3, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000, STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) October 10, 2002
(Adopted) _____, 2002

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called “County”), is hereby authorized to undertake preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning an increase and improvement of facilities for Erie County Sewer District No. 3, including specifications for the proposed CONSOLIDATION OF THE Village of Blasdell sanitary sewer service area and the Rush Creek interceptor with that of the Southtowns Sewage Treatment Facility. The estimated total cost of said specific object or purpose, including preliminary costs and

costs incidental thereto and to the financing thereof, is \$1,200,000, and said amount is hereby appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$1,200,000 bonds of the County, and any bond anticipation notes issued in anticipation of the sale of said bonds, to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District No. 3.

Section 2. Bonds of the County in the principal amount of \$1,200,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62. of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,
and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 18E-8)

COUNTY EXECUTIVE

WHEREAS, the County of Erie had secured the services of Bergmann Associates to complete Design and Construction Services; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all Engineering Services are now complete; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal Close-Out of the A/E Agreement dated November 5, 1998 with Bergmann Associates, Engineers, Architects, Surveyors, P.C.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated November 5, 1998 between the County of Erie and Bergmann Associates, Engineers, Architects, Surveyors, P.C. be formally Closed-Out in the final contract amount of \$49,932.90; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to Close-Out the contract encumbrances and cancel any balances relating to the A/E Agreement dated November 5, 1998 between the County of Erie and Bergmann Associates, Engineers, Architects, Surveyors, P.C.; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy to Gregory Dudek, Assistant County Attorney, the Erie County Comptroller's Office and the Director of Budget, Management and Finance.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

4. Item Page -2002 (Comm. 18E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide the necessary services for the preparation of a web-based Operation and Maintenance Manual for Erie County Sewer District Nos. 1, 2, 4, & 5; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Malcolm Pirnie, Inc., 40 Centre Drive, P.O. Box 1938, Buffalo, New York 14219.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Malcolm Pirnie, Inc., be retained at a cost not to exceed \$170,583.37; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Malcolm Pirnie, Inc., 40 Centre Drive, P.O. Box 1938, Buffalo, New York 14219 to provide the needed services subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$170,583.37 from the Sewer Districts Capital Projects; as follows:

<u>ECSD No. 1</u>	430-694	\$27,612.07
<u>ECSD No. 2</u>	430-533	\$91,691.73
<u>ECSD No. 4</u>	430-693	\$40,234.74
<u>ECSD No. 5</u>	430-798	\$11,044.83

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; one copy to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director Budget and Management.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

5. Item Page -2002 (Comm. 18E-25)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract "A", to Paul J. Gallo Contracting, Inc. for the Erie County Sewer District No. 2, 18 Mile Creek/Sweetland Pumping Station Modifications and Site Improvements Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the acceptance of Contract "A" in the final contract amount of \$779,334.08 which includes Change Order No. A-3 (final) a decrease of \$12,794.86, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract "A" between the County of Erie and Paul J. Gallo Contracting, Inc., 4244 Ridge Lea Road, Amherst, New York 14226 is accepted in the amount of \$779,334.08, which includes Change Order No. A-3 (final) a decrease of \$12,794.86, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract "A" between the County of Erie and Paul J. Gallo Contracting, Inc. in the amount of \$779,334.08 and make final payment from Erie County Sewer District No.2, Fund No. 430, Project No. 147; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

6. Item Page -2002 (Comm. 18E-26)
 COUNTY EXECUTIVE

WHEREAS, there are insufficient funds presently available in the Utility (water) Account of Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency for the 2002 Budget Year; and

WHEREAS, due to a new process being instituted at the Southtowns Sewage Treatment Agency that will ultimately realize a cost savings of \$100,000 per year but requires additional water usage during the treatment process.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred to adequately provide funds to make payments from the Utility (water) Account for the remainder of the 2002 Budget Year in a timely manner:

The amount of \$20,000.00 from Fund 220, Project 853, Department 830, Account 823, Repairs and Maintenance to Fund 220, Project 853, Department 830, Account 820, Utility Charges; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Director of Budget and Management and the Erie County Comptroller.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

GEORGE A. HOLT
CHAIRMAN